Executive Summary

This Environmental Assessment addresses alternatives to protect and conserve habitat of finfish, mollusks, and crustaceans. The Magnuson-Stevens Act mandates that any FMP must include a provision to describe and identify essential fish habitat (EFH) for the fishery, minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat.

Essential fish habitat has been broadly defined by the Act to include "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity". The Councils are required to amend their fishery management plans by October 1998 to:

- identify and describe EFH for species managed under a fishery management plan;
- describe adverse impacts to that habitat from fishing activities;
- describe adverse impacts to that habitat from non-fishing activities;
- recommend conservation and enhancement measures necessary to help minimize impacts, protect, and restore that habitat; and
- include conservation and enhancement measures necessary to minimize, to the extent practicable, adverse impacts from fishing on EFH.

Once the FMPs are amended with this EFH information, NMFS and the Councils can be more proactive in protecting habitat areas by alerting other federal and state agencies about areas of concern. The NMFS interim final rule on EFH (62 FR 66531 December 19, 1997) encourages coordination between NMFS, the Councils, and other Federal and state agencies. Federal agencies engaging in activities that may adversely affect EFH must consult with NMFS regarding those activities. NMFS must, and the Council may, make suggestions on how to mitigate any potential habitat damage. The Council will be required to comment on any project that may adversely affect salmon habitat or habitat of any other anadromous fish (smelt, steelhead, etc.).

The action identified in this EA is to define and identify EFH for species in the five FMPs (BSAI groundfish, GOA groundfish, BSAI crab, scallops, and salmon). The alternatives analyzed in the EA for defining EFH are the following:

Alternative 1: Status Quo. The FMPs would not be amended to meet Magnuson-Stevens Act requirements (Section 303) for required provisions of FMPs. <u>This is not a viable alternative</u>.

Alternative 2 : (**Preferred**) EFH is defined as all habitat within a general distribution for a species life stage, for all information levels and under all stock conditions. A general distribution area is a subset of a species range. For any species listed under the Endangered Species Act, EFH includes all areas identified as "critical habitat."

Alternative 3: For stocks deemed to be in healthy condition, EFH is defined as a subset of all habitat within a general distribution [e.g., areas of known concentration] in the case of level 2 information or greater for a species life stage. For level 0 and 1 information, EFH is defined as all habitat within a general distribution for a species life stage. For stocks deemed to be in an "overfished" condition, EFH would be defined as the area of general distribution, regardless

of information level. For any species listed under the Endangered Species Act, EFH includes all areas identified as "critical habitat."

The consequences of the No Action Alternative are that a program for the conservation and management of EFH in Alaska would not be implemented. Agency decision-makers would not be able to avail themselves of information on the importance of certain habitats to marine fisheries, and their decisions regarding actions that could adversely affect EFH might not give adequate consideration to the need for conservation of particular habitats. Fish populations might remain threatened by habitat loss, and additional fish populations would most likely become threatened as habitat loss continued. Additionally, NMFS would fail to follow a statutory requirement if it chose Alternative 1. All of the alternatives to the status quo would be expected to benefit marine and anadromous fish populations and their habitats, and provide for improved long-term productivity of the fisheries.

Preferred Alternative 2 is the most conservative program for protecting essential fish habitat. Designation of general distribution for species life stages with level 2 and higher information as EFH will trigger more consultations with NMFS on proposed actions that may adversely impact EFH. Alternative 3 would tend to trigger fewer consultations, as somewhat smaller areas would be designated EFH.

Because all stocks of fish managed by FMPs in Alaska are considered to be healthy ("Report to Congress on the Status of Fisheries of the United States"; NMFS 1997), EFH for the species should be a subset of all existing habitat for the species.

Summary of Impacts

None of the alternatives are expected to have a significant impact on endangered, threatened, or candidate species, and none of the alternatives would affect takes of marine mammals. Actions taken to define EFH will not alter the harvest of groundfish, crab, scallops, or salmon.

None of the alternatives contain implementing regulations. Therefore, the Regulatory Flexibility Act does not apply, and review under Executive Order 12866 is not required.

None of the alternatives are likely to significantly affect the quality of the human environment, and the preparation of an environmental impact statement for the proposed action is not required by Section 102(2)(C) of the National Environmental Policy Act or its implementing regulations.